



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Skotheim, et al. Docket No.: 57519.00059  
Application No.: 09/721,578 Group Art Unit: 1745  
Filing Date: November 21, 2000 Examiner: Cantelmo  
TITLE: LITHIUM ANODES FOR ELECTROCHEMICAL CELLS

#13  
(B)

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

RECEIVED  
OCT 23 2003  
TC 1700  
110.00 00000000 09721578  
10/24/2003 FALLER 0002/22/10 01 FC:1814

The owner, Moltech Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending Application Number 09/721,519, filed on November 21, 2000 and Application Number 09/864,890 filed on May 23, 2000, the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 17, 2003

Date

Alexander B Ching

Alexander B. Ching, Attorney for Applicant  
Reg. No. 41,669